

E-Filed 8/21/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. 5:06 CR 0424 JW (RS)

Plaintiff,

**ORDER STRIKING NOTICE OF
DISTRICT COURT ORDER AND
REQUEST FOR PRIVILEGE LOG**

v.

LAN LEE AND YUEFEI GE,

Defendants.

THIS MATTER is before the Court following a pleading filed by defendants on August 20, 2009, titled "notice of district court order and request for privilege log." The pleading requests that the Court compel third party NetLogic Microsystems, Inc., to produce a privilege log listing certain confidential documents. Attached to the pleading is a proposed order for the signature of the undersigned.

Federal Rule of Criminal Procedure 47 provides, in pertinent part, that "[a] party applying to the court for an order must do so *by motion*." Fed. R. Crim. P. 47(a) (emphasis added). Further, the Criminal Local Rules provide that, "[u]nless good cause is shown, all . . . requests . . . which are capable of determination without the trial of the general issue, *must be raised by pretrial motion and noticed for hearing[.]*" Crim. Local Rule 12-1 (emphasis added).

In this instance, defendants' August 20 pleading requesting a privilege log does not attempt to show good cause why the instant request should be exempted from the standard procedures for pre-trial motion practice in criminal cases, and the Court's independent review of the docket does not suggest the existence of any such unusual expediency. Accordingly, defendants' pleading will be

1 stricken. Defendants may, if they wish, renew their request via properly noticed motion, which will
2 enable any affected parties to respond in due course.

3
4 **IT IS SO ORDERED.**

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6 Dated: 8/21/09



RICHARD SEEBORG
United States Magistrate Judge